



S&H Form: (2/01)

Attorney Docket No. 392.1856

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Osamu SAITO, et al.

Application No.: 10/749,374

Group Art Unit: 2856

Confirmation No.: 9161

Filed: January 2, 2004

Examiner: Robert R. Raevis

For: MONITOR FOR INJECTION MOLDING MACHINE

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed August 6, 2004, and having a period for response set to expire on September 6, 2004. A Petition for a one-month extension of time, together with the requisite fee for same, is submitted herewith, thereby extending the period for response to October 6, 2004.

Applicants elect Claims 1, 5, 7, 8, 9 and 10, with traverse.

DEFICIENCIES OF THE OFFICE ACTION

The Attachment hereto summarizes the seven separate species designated by the Examiner at page 2 of the Office Action. It is respectfully submitted that the Species 4 listing is in error for citing claim 5 as designating the sampling means being "outside" the mold machine; to the contrary, claim 5 recites the sampling means to be provided "in the injection molding machine." The "outside" recitation, instead, is a recitation of claim 7.

It should be noted that Figure 1 is described as being relevant to "each embodiment of the invention...." and Figures 2 through 5, moreover, are expressly characterized as relating to "a first embodiment of the invention" (whereas the Examiner cites Fig. 5 as relating to Species 1, 2, 3 and 4), Figures 6 and 7, along with Fig. 8, to a second embodiment (instead of Figure 8, alone, which the Examiner cites as species 5) Figures 9 and 10, along with Figure 11, to a third

embodiment (instead of Figure 11, alone, which the Examiner cites as species 6) and Figures 12 and 13 along with Figure 14, to a fourth embodiment (instead of Figure 14, alone, which the Examiner cites as species 7).

The Action furthermore is submitted to be deficient for incompleteness, since failing to acknowledge any of Figures 1 through 4 and Figures 15 through 17.

Accordingly, it is submitted that the Examiner's designation of species is inadequate and in error. Moreover, it is improper, since specifying that the single Figure 5 constitutes all four (4) Species 1-4, which are otherwise delineated by reference to selected combinations of claims 5, 7 and 8. In fact, the Examiner's designation of Species 1 through 4 appears to be based on the discussion in the Summary of the Invention at pages 3-4, which lists first through fourth "aspects" of the invention and in which:

- (i) pages 4-5 discuss the sampling means as being either in the injection molding machine (e.g., in a controller) or in an external device (e.g., a computer connected to the injection molding machine); and

- (ii) page 5 describes a display as being provided either in the injection molding machine (e.g., in the controller) or in an external device (e.g., a computer connected to the injection molding machine).

CONCESSION THAT THE "INSIDE" VERSUS "OUTSIDE" MOLD MACHINE RELATIONSHIP (SEE ATTACHMENT) ARE OBVIOUS ALTERNATIVES

Applicants concede that the inside/outside alternatives as to both the sampling means and the display, as shown in the attachment hereto, are obvious alternatives and therefore there is no patentable distinction between the Examiner's Species (1) through (4).

ELECTION

Accordingly, Applicants elect all of Figures 2 through 5 relating to the "first embodiment of the invention" as specified in the specification at pages 5-6, along with Figures 1 and 15 through 17 which have not been asserted to constitute patentably distinct, separate species of the invention and thus properly are to be included herein.

Applicants furthermore list all of the "generic" claims 1, 9 and 10 along with the Examiner's specified claims 5, 7 and 8, as reading on the elected specie.

Furthermore, Applicants respectfully reserve the right to have the non-elected claims reinstated in the event that any of the concededly generic claims 1, 9 and 10 or another claim of corresponding scope is ultimately allowed in this application.

Applicants accordingly respond, with traverse and protest.

Respectfully submitted,

STAAS & HALSEY LLP

Date: Sept. 23, 2004

By: H. J. Staas

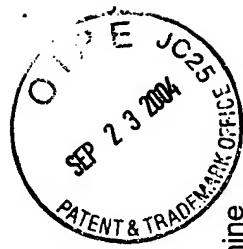
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ATTACHMENT



Examiner's Designation of Species

Species	sampling means:		display: a. inside mold machine b. outside mold machine
	a. inside mold machine	b. outside mold machine	
1 (Fig. 5)	(cl. 5)	-	(cl. 7)
or			-
2 (Fig. 5)	(cl. 5)	-	(cl. 8)
or			-
3 (Fig. 5)	-	(cl. 7)	(cl. 7)
or			-
4 (Fig. 5)	-	(cl. 5)*	-
or			(cl. 8)
5 (Fig. 8)(Cl. 2)			
or			
6 (Fig. 11) (Cl. 3)			
or			
7 (Fig. 14) (Cl. 4)			

* Species 4, claim 5 should be --claim 7--.